

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANGELA CAMPBELL,)	CASE NO. 5:20-cv-2429
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	OPINION AND ORDER
FRITO-LAY, INC., et al.,)	
)	
)	
DEFENDANTS.)	

This matter is before the Court on the Court’s show cause order of February 5, 2021 directed to plaintiff Angela Campbell (“plaintiff”). (Non-document Order, Feb. 5, 2021.) This action was originally filed on October 2, 2020 in state court alleging state law race discrimination and retaliation against defendants, Frito-Lay, Inc. (“Frito-Lay”) and Bryant Michael (“Michael”). (Doc. No. 1-1 (Complaint [“Compl.”])). The action was removed to federal court by Frito-Lay on October 27, 2020 on the basis of diversity jurisdiction. (Doc. No. 1 (Notice of Removal [“Notice”])). The notice advised that, as of the date of removal, Michael had yet to be served. (Notice ¶ 2.)

More than ninety days has passed without plaintiff filing a proof of service of process against Michael. On February 5, 2021, the Court issued a non-document order directing plaintiff “to show cause by February 19, 2021 as to why defendant Bryant Michael should not be dismissed for want of service.” (Non-document Order. Feb. 5, 2021.) Plaintiff did not respond to the order, demonstrate proof of service as to Michael, or otherwise show cause as to why Michael should not be dismissed.

The Federal Rules of Civil Procedure state as follows regarding the time for service of process and a plaintiff's failure to make timely service of process:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

Because plaintiff has not served Michael within the time frame set forth in the federal rules or otherwise demonstrated good cause for such failure, defendant Michael is hereby dismissed without prejudice. By separate order, the Court will set the matter for a case management conference with counsel for the remaining parties.

IT IS SO ORDERED.

Dated: March 15, 2021



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE